

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

CELLULAR COMMUNICATIONS  
EQUIPMENT LLC,

Plaintiff,

v.

AT&T MOBILITY LLC et al.,

Defendants.

Civil Action No. 2:15-cv-00576-RWS-RSP

CONSOLIDATED LEAD CASE

**AMENDED DOCKET CONTROL ORDER**

The Court, having considered Defendants' Unopposed Motion to Modify Docket Control Order hereby GRANTS the Motion as follows:

<b>Current Deadline</b>	<b>Revised Deadline</b>	<b>Event</b>
April 17, 2017	N/A	*Jury Selection – 9:00 a.m. in <b>Marshall, Texas</b> before Judge Robert Schroeder
March 28, 2017	N/A	*Pretrial Conference – 1:30 p.m in <b>Marshall, Texas</b> before Judge Roy Payne
March 15, 2017	N/A	*Notify Court of Agreements Reached During Meet and Confer  The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
March 13, 2017	N/A	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, and Responses to Motions <i>in Limine</i>

March 6, 2017	N/A	*File Notice of Request for Daily Transcript or Real Time Reporting.  If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.
February 27, 2017	N/A	File Motions <i>in Limine</i>  The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury
February 27, 2017	N/A	Serve Objections to Rebuttal Pretrial Disclosures
February 20, 2017	N/A	Deadline to Complete Mediation  The parties are responsible for ensuring that a mediation report is filed no later than 5 days after the conclusion of mediation. See L.R. App. H
February 13, 2017	N/A	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
February 6, 2017	N/A	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
January 30, 2017	N/A	*File Dispositive Motions or Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)  No dispositive motion or motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
January 23, 2017	N/A	Deadline to Complete Expert Discovery
January 13, 2017	N/A	Serve Disclosures for Rebuttal Expert Witnesses
December 14, 2016	N/A	*Deadline to File Letter Briefs Regarding Dispositive Motions
December 7, 2016	N/A	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof

November 28, 2016	N/A	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
November 21, 2016	N/A	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
October 31, 2016	N/A	*Claim Construction Hearing – 1:30 p.m. in <b>Marshall, Texas</b> before Judge Roy Payne
October 17, 2016	N/A	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
October 17, 2016	October 18, 2016	Deadline for Defendants to file Sur-Reply Claim Construction Brief ( <i>limited to indefiniteness issues</i> )

(\*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

#### **ADDITIONAL REQUIREMENTS**

**Notice of Mediator:** The parties are to jointly file a notice that identifies the agreed upon mediator or indicates that no agreement was reached. If the parties do not reach an agreement, the Court will appoint a mediator. The parties should not file a list of mediators to be considered by the Court.

**Indefiniteness:** In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their Markman briefing, subject to the local rules' normal page limits.

**Motions for Continuance:** The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

- (a) The fact that there are motions for summary judgment or motions to dismiss pending;
- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

**Amendments to the Docket Control Order (“DCO”):** Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

**Proposed DCO:** The Parties’ Proposed DCO should also follow the format described above under “Amendments to the Docket Control Order (‘DCO’).”

**SIGNED this 17th day of October, 2016.**



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ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE